

D-16

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

December 14, 2007

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No: 04OD-362  
Oahu

Rescind Prior Board Action of August 26, 2005, Agenda Item D-13, Sale of Remnant to G&I Watumull Limited Partnership, Waimanalo, Koolauoko, Oahu, Tax Map Key: (1) 4-1-009:274.

BACKGROUND:

On August 26, 2005, under agenda item D-13, the Board authorized the sale of remnant to G&I Watumull Limited Partnership (Exhibit A attached). Applicant's response on October 6, 2005 declined to purchase remnant because of Department of Transportation (DOT) denying direct access onto the subject property from Kalaniana'ole Highway (Exhibit B attached).

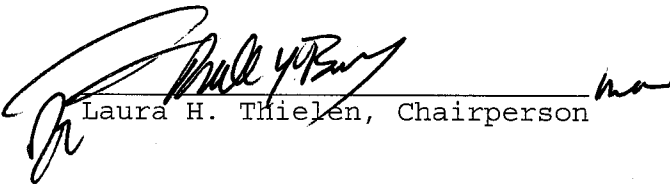
Because applicant has withdrawn interest to purchase, this Board approval should be rescinded.

RECOMMENDATION: That the Board rescind the prior Board action of August 26, 2005, under agenda item D-13.

Respectfully Submitted,

  
\_\_\_\_\_  
Melvyn Ho  
Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Laura H. Thielen, Chairperson

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

August 26, 2005

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.: 04OD-362

Oahu

Sale of Remnant to G & I Watumull Limited Partnership, Waimanalo,  
Koolaupoko, Oahu, Tax Map Key: (1) 4-1-009:274.

APPLICANT:

G & I Watumull Limited Partnership, a domestic limited partnership, whose business and mailing address is 307 Lewers Street, 6<sup>th</sup> Floor, Honolulu, Hawaii 96815.

LEGAL REFERENCE:

Section 171-52, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-009:274, as shown on the attached map labeled Exhibit A.

AREA:

1.081 acres, more or less.

ZONING:

State Land Use District: Urban  
County of Honolulu CZO: Residential (R-5)

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:  
YES ☐ NO ☒

APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON

August 24, 2005

ITEM D-13

EXHIBIT "A"

CURRENT USE STATUS:

Land Office Deed No. S-27,120 to the City and County of Honolulu for a 40 foot-wide, 6,951 square foot perpetual non-exclusive drainage easement.

CONSIDERATION:

One-time lump sum payment of fair market value to be determined by independent or staff appraiser, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Not applicable. Subject lands are to be conveyed to abutting landowner and will become privately owned land at that point. Chapter 343, HRS, would not apply to any future development on the parcel as no State lands would be involved.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO <u>   </u>
Registered business name confirmed:	YES <u>X</u>	NO <u>   </u>
Applicant in good standing confirmed:	YES <u>X</u>	NO <u>   </u>

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
- 2) Pay for an appraisal to determine the one-time payment of fair market value for the remnant.

REMARKS:

Pursuant to section 171-52, HRS, a remnant is defined as "a parcel of land economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics." The subject parcel has been determined to be a remnant based on the following:

- 1.) Staff's current records have no indication the parcel has been leased or rented by the State. The remnant is zoned for residential use and staff has not had any requests to lease it for such purpose; and

- 2.) A large unimproved drainage ditch is situated along the West side of the property that receives runoff from the rest of the sloped lot and a large culvert directing water from property on the other side of Kamehameha Highway. The current Flood Insurance Rate Map provided by the Federal Emergency Management Agency (FEMA) shows the subject property in Flood Zone X, which includes “areas of 1% annual chance flood with average depths of less than 1 foot.” However, the ditch physically ends on the State’s property with no visible outlet, and rainy weather in the Waimanalo area causes heavy ponding conditions that remain a constant and can extend well into the property. (See Exhibit B). Large scale flooding makes the lot economically and physically unsuitable and undesirable for development.

A staff engineer assessed that a minimum building setback of thirty feet (30’) from the drainage ditch should be required for any plans to develop on the property.

The Applicant is the confirmed owner of the abutting TMK parcels (1) 4-1-009:275 and 278, otherwise known as the Waimanalo Shopping Center. Other properties adjacent to the remnant include several house lots in the Waimanalo Village Subdivision owned by the Housing Community Development Corporation of Hawaii (HCDCH). HCDCH decline to manage or have the property conveyed to them.

The Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

The Department of Planning and Permitting requested the existing drainage easement at the rear of the property to be preserved. Otherwise, there were no objections to the proposed sale of the subject property.

RECOMMENDATION:

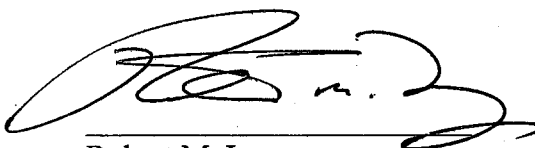
That the Board:

1. Find that the subject lands are economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics and is, by definition, a remnant pursuant to Chapter 171-52, Hawaii Revised Statutes.
2. Authorize the subdivision and consolidation (if necessary) of the subject remnant by the Applicant.
3. Subject to the Applicant fulfilling all of the Applicant Requirements listed above,

authorize the sale of the subject remnant to G & I Watumull Limited Partnership, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

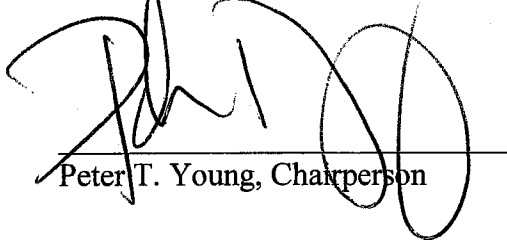
- a. The standard terms and conditions of the most current deed or grant (remnant) form, as may be amended from time to time;
- b. Review and approval by the Department of the Attorney General; and
- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

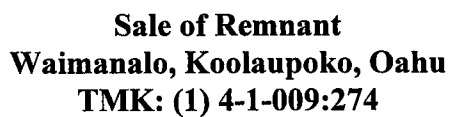
Respectfully Submitted,



Robert M. Ing,  
Land Agent

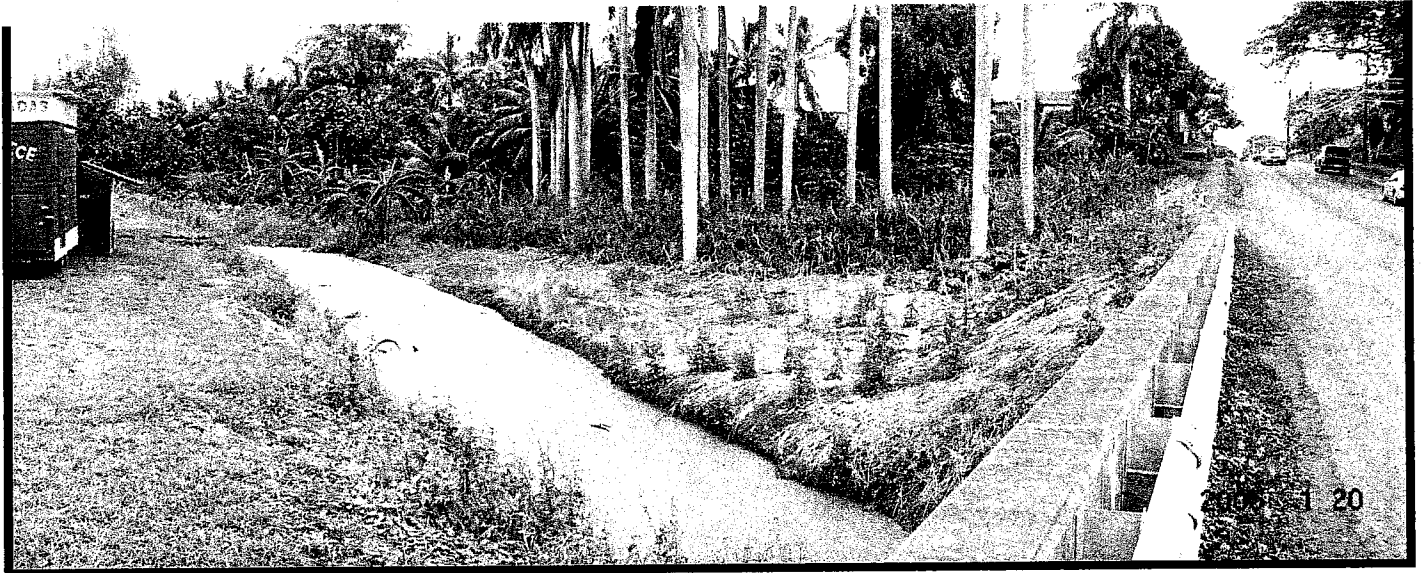
APPROVED FOR SUBMITTAL:

  
Peter T. Young, Chairperson



# EXHIBIT A

**Waimanalo Remnant for Sale  
(PSF #04OD-362)  
TMK (1) 4-1-009:274**



The property line is said to go along the left bank of the ditch, between the water and pink kiosk on the left. A DLNR Engineering Division recommends a minimum 30' setback for any development on this lot.

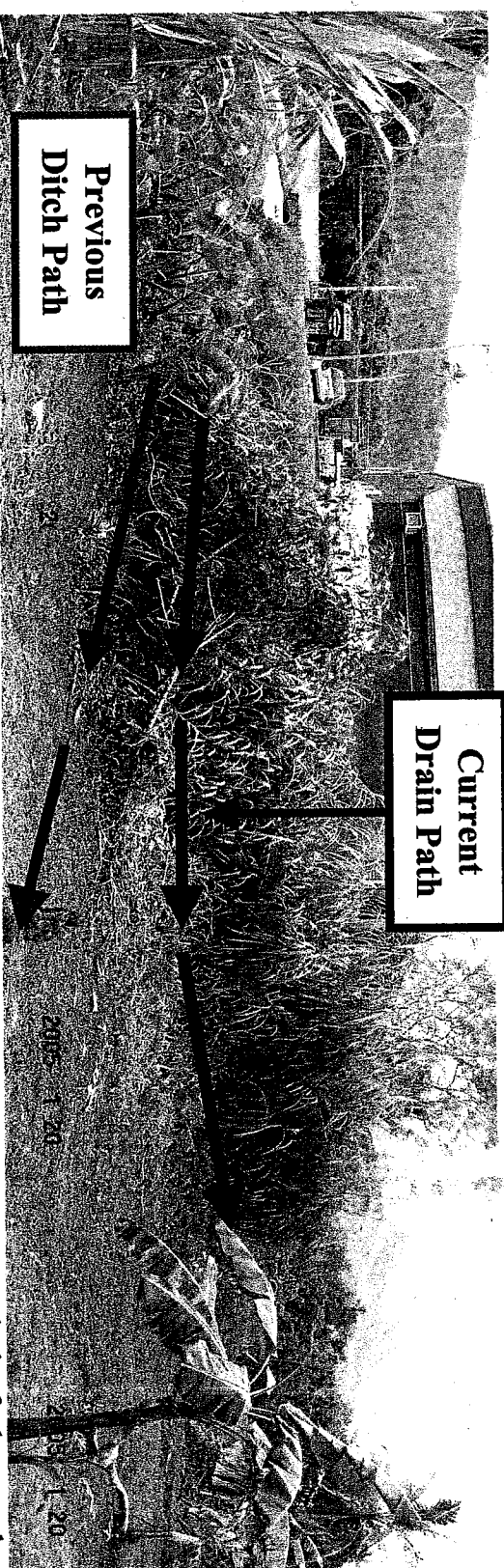


Facing mauka from the rear of the property towards Kalanianaʻole Highway.

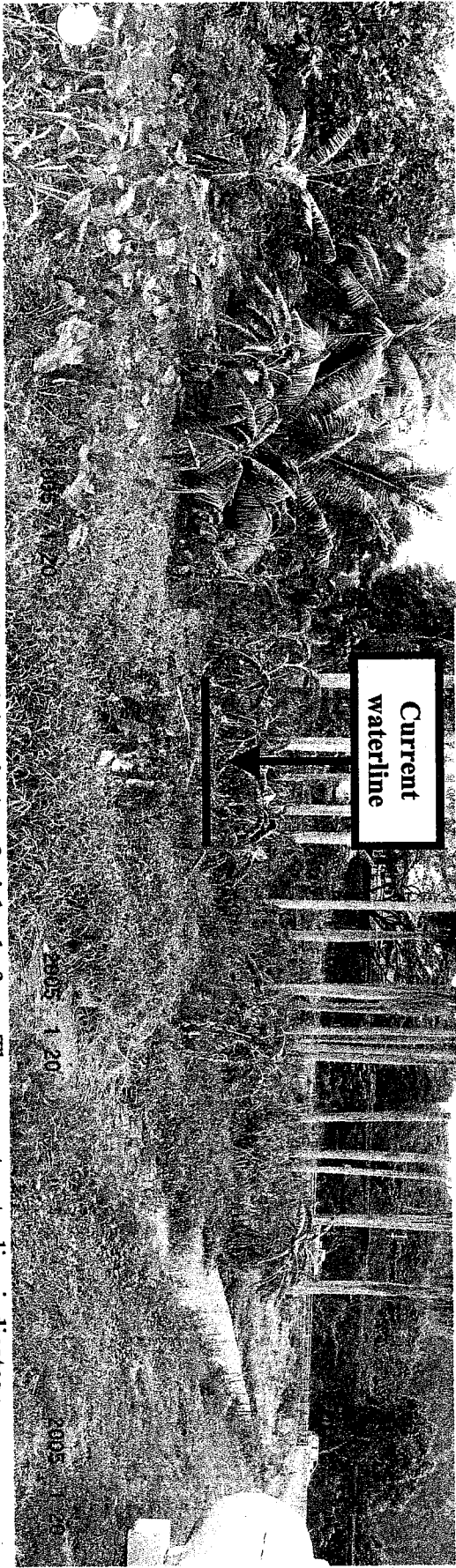
**EXHIBIT B**



Most of the water originates from this culvert, which directs water from the vacant HCDCH lot on the other side of the highway.



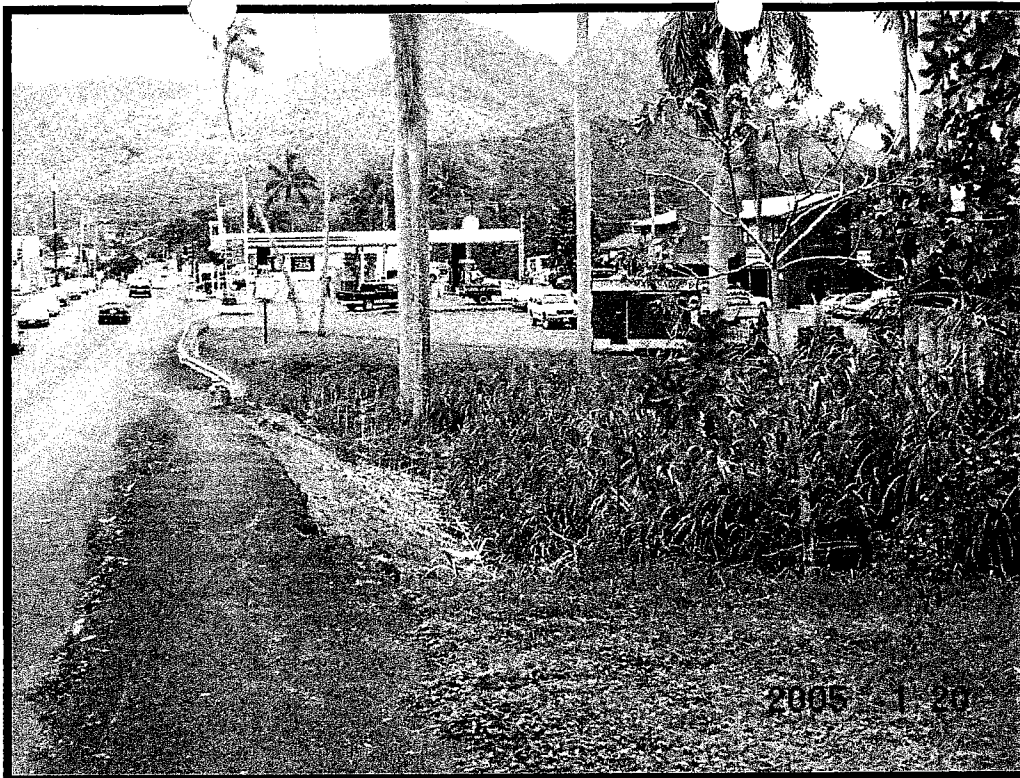
The path of the drainage supposedly runs along this route shown in red. The presence of algae indicates a lack of adequate drainage. The drain path shown in blue was shown on survey maps at around 1950. The earliest survey maps dated in the late 1800's/early 1900's indicated the ditch was actually on the other side of the property, further left of the photo.



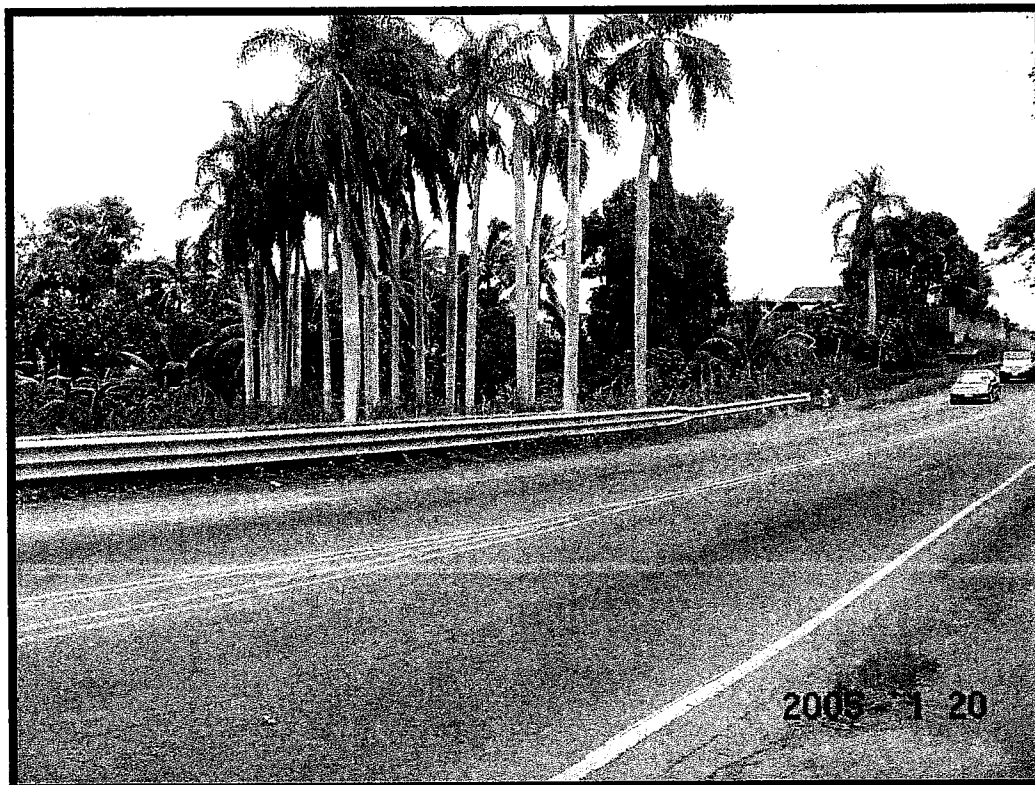
View facing Southeast. These photos were taken after a light rain 1 or 2 nights before. The current water line indicates flooding during heavy rains may reach as far as the tall palm and coconut trees in the background



(View facing Northeast from Kalamianaole Highway) Flooding conditions limits development potential. The property begins to the slope upward to the right of the derelict vehicle in the center.



Facing West on Kal. Hwy, this area could provide legal access to the property without having to enter the shopping center parking lot.



Current access to the property can only be obtained on foot. A steep downward slope exists behind the guardrail.

**WATUMULL Properties Corp.**

October 6, 2005

Mr. Robert Ing  
Land Agent  
State of Hawaii  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawaii 96809

DEPT OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

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RECEIVED  
LAND DIVISION

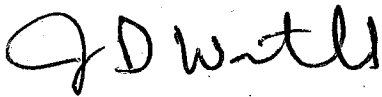
Re: Sale of Remnant at Waimanalo, TMK: 4-1-009:274

Dear Mr. Ing:

Thank you for sending over all the information on the remnant parcel in Waimanalo. We were excited about the possibilities of developing this parcel. However, during our preliminary due diligence, we were informed by the Department of Transportation that they will not allow access onto the property from the highway. If we cannot gain direct access onto the property, then we will not be able to develop and thus cannot purchase this remnant parcel.

If you have any questions, please feel free to contact me at 971-8800. Thanks for your kind assistance in this matter.

Sincerely yours,



JD Watumull

**EXHIBIT "B"**

